

SENATE BILL 3612  
By Woodson

AN ACT to amend Tennessee Code Annotated, Title 49,  
Chapter 5, relative to students with diabetes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-5-415(d), is amended by deleting subdivisions (1)-(3) and substituting instead the following:

(d)

(1) Notwithstanding the provisions of any law, policy, or guideline to the contrary, a local education agency or a governing board for a non-public school may permit school personnel or other adult who volunteers to perform diabetes care tasks in order to assist with the care of students with diabetes under the following conditions:

(A) The student's parent or guardian and the student's personal health care team must have developed a medical management plan that lists the health services needed by the student at school and is signed by the student's physician, nurse practitioner, or physician assistant;

(B) The student's parent or guardian must have given permission for the school personnel or other adult volunteers to participate in the care of the student with diabetes, and such written permission must be kept in the student's school records;

(C) Assistance in the care of students with diabetes must be documented in accordance with this subsection; and

(D) The department of education and the department of health with representatives from the Tennessee board of nursing, Tennessee diabetes prevention and control program, and the American Diabetes Association, shall

amend current "Guidelines for Use of Health Care Professionals and Health Care Procedures in a School Setting" ("guidelines") to reflect the provisions of this act. The guidelines may not take effect and no training under the guidelines may take place until the board of nursing has been afforded an opportunity to review and comment on the guidelines. The guidelines must be used uniformly by all local education agencies that choose to allow school personnel or other adults to volunteer to assist with the care of students with diabetes. The guidelines will be developed and approved by September 1, 2006.

(2) The guidelines for training school personnel or other adults to perform diabetes care tasks in order to assist with the care of students with diabetes must include instruction in the following:

(A) Recognition and management of hypoglycemia and hyperglycemia;

(B) Understanding the appropriate actions to take when blood glucose levels are outside of the target range indicated by the student's medical management plan and Individual Health Plan (IHP);

(C) Performing blood glucose monitoring, ketone checking, and recording the results;

(D) The administration of glucagons and insulin and recording the results; and

(E) Recommended schedules and food intake for meals and snacks, the effect of physical activity upon blood glucose levels, and actions to be implemented in the case of schedule disruption.

(3) All school nurses must be educated in diabetes care and must have knowledge of the guidelines. School personnel or other adult volunteers who elect, under no duress, to assist with the care of students with diabetes must receive training

pursuant to the guidelines from a school registered nurse or other health care professional with expertise in diabetes. Training shall take place prior to the commencement of each school year, or as needed when a student with diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes. All training must be renewed on an annual basis and competency must be noted in the personnel file. School personnel and other adult volunteers may not be reprimanded, subject to any adverse employment action or punished in any manner for refusing to receive training.

SECTION 2. Tennessee Code Annotated, Section 49-5-415(d), is amended by adding the following as subdivisions (4) and (5) and redesignating the remaining subdivisions accordingly:

(4) In accordance with the request of a student with diabetes's parent or guardian and the student's medical management plan and IHP, school personnel and other volunteer adults who have completed training in accordance with the guidelines above shall perform the functions of responding to blood glucose levels that are outside of the student's target range, administering glucagons, administering insulin or assisting a student in administering insulin through the insulin delivery system the student uses, providing oral medications, checking and recording blood glucose levels and ketone levels or assisting a student with such checking and recording; and following instructions regarding meals, snacks, and physical activity.

(5) School personnel or other volunteer adults who have completed training in accordance with the guidelines may provide care to students with diabetes during regular school hours, school-sponsored before school and after school care programs, field trips, and extracurricular activities, and on school buses.

SECTION 3. Tennessee Code Annotated, Section 49-5-415(d)(8), is amended by deleting the subdivision in its entirety and substituting instead the following:

(8) Upon written request of the parent or guardian, and if included in the student's medical management plan and in the IHP, a student with diabetes may perform blood glucose checks, administer insulin, treat hypoglycemia and hyperglycemia, and otherwise attend to the care and management of the student's diabetes in any area of the school or school grounds and at any school related activity, and on the school bus.

SECTION 4. Tennessee Code Annotated, Section 49-5-415, is amended by adding the following as a new appropriately designated subdivision:

(\_\_\_) Following the effective date of this act, each local education agency or governing board for a non-public school shall send a written notice to each school notifying the school about the provisions in this act. The LEAs shall send such notice on or before August 1, 2006. Each school shall send a written notice to the parent or guardian of each student informing them of the provisions in this act. The schools shall send such notice on or before September 1, 2006.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.